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10 Attorneys for Defendant
Ex'pression Center For New Media
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12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
14

15 SAMUEL DIGIACOMO,

16 Plaintiff,

17 v.

18 EX'PRESSION CENTER FOR NEW MEDIA,
19 INC., d/b/a EX'PRESSION COLLEGE FOR
DIGITAL ARTS, et al.,
20

21 Defendants.
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Case No.: C08-01768-MHP

**DECLARATION OF MELISSA
THOMPSON IN SUPPORT OF REPLY
BRIEF OF EX'PRESSION CENTER
FOR NEW MEDIA'S MOTION TO
COMPEL ARBITRATION AND TO
DISMISS, OR ALTERNATIVELY
STAY, CASE**

Date: September 8, 2008
Time: 2:00 P.M.
Judge: Hon. Marilyn H. Patel
Dept.: 15, 18th Floor
Location: 450 Golden Gate Ave.
San Francisco, CA 94102

Complaint Filed: April 2, 2008


1
2 I, Melissa Thompson, declare:

3 1. I am the Manager of Compliance and Regulatory Affairs at Ex'pression College for
4 Digital Arts, known herein by its former name, "Ex'pression Center For New Media"
5 ("Ex'pression"). I have personal knowledge of the matters stated herein, and if called upon could
6 competently testify thereto.

7 2. I have been Manager of Compliance and Regulatory Affairs at Ex'pression since
8 2004. Ex'pression is a state licensed nationally accredited private college that specializes in digital
9 sound and visual art education. I am responsible for coordinating with both the state regulatory body
10 responsible for overseeing private postsecondary educational institutions such as Ex'pression as well
11 as Ex'pression's accrediting body. As a result of my job responsibilities, I am intimately familiar
12 with Ex'pression's obligations related to student enrollment contracts, and the Ex'pression catalogues
13 containing certain required information. Attached hereto as Exhibit A is a true and correct copy of
14 pages 26-27 excerpted from the Ex'pression 2006-2007 Course Catalogue.


15 3. Education Code § 94810 (a)(1) requires that the first page of an enrollment agreement
16 or contract must state: "Any questions or problems concerning this school which have not been
17 satisfactorily answered or resolved by the school should be directed to the Bureau for Private
18 Postsecondary and Vocational Education, (address), Sacramento, California 95814." While the
19 "Reform Act" that encompasses this section of the Education Code is technically not presently in
20 effect, we (along with many other schools) signed, and have been abiding by, a voluntary agreement
21 which in essence states that we will abide by the Reform Act while the Legislature considers a
22 resolution to the issues surrounding re-enactment/revisions of this statutory chapter.

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25 I declare under penalty of perjury under the laws of the United States of America that the
26 foregoing is true and correct and that this declaration was executed on August 22 at Emeryville,
27 California.
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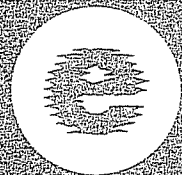

Melissa Thompson

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EXHIBIT A



2006-07 course catalog



expression
COLLEGE OF DIGITAL ARTS

CAMPUS POLICIES AND PROCEDURES

STUDENT CODE OF CONDUCT

Ex'pression College expects all members of its community to engage in behavior appropriate to a learning environment. As members of the Ex'pression community, students are expected to maintain standards of academic integrity, respect the rights and differences of others, and assume responsibility for adhering to all college policies as well as local, state and federal laws. Ex'pression College employs a student code of conduct in an effort to provide a quality educational environment consistent with the mission and philosophy of the college. Please see the Student Handbook for the complete Student Code of Conduct. Any student who is found to have violated the Student Code of Conduct is subject to disciplinary action up to and including suspension, probation, or termination.

ACADEMIC INTEGRITY

Ex'pression strives to support the development of academic achievement. Such achievement can only be obtained through academic integrity. Grades earned in courses are part of a student's permanent academic record and therefore must be achieved based on the student's own knowledge. Academic dishonesty such as cheating, plagiarism, fabrication of information, or facilitating any academic dishonesty is unacceptable and will result in disciplinary action. Please see the Student Handbook for the complete Code of Academic Integrity and potential disciplinary actions taken for violations of the Code of Academic Integrity.

TERMINATION POLICY

Reasons for termination from Ex'pression include but are not limited to:

- Failure to meet minimum satisfactory academic progress requirements (see Satisfactory Academic Progress Policy)
- Academic dishonesty (see Academic Integrity Policy)
- Violation of the Student Code of Conduct (see Student Code of Conduct)

GRIEVANCE PROCEDURES AND STUDENT COMPLAINTS

Ex'pression Grievance Policy and Procedures

Any member of the Ex'pression community, including faculty, staff, and students, may file a grievance against a student for violation of the Student Code of Conduct or other Ex'pression policies. The grievance should be in writing. A Complaint Form can be found on the student intranet or obtained from the Student Services Department. All complaints should state the basis for the assertion being made as well as all relevant information such as date, time, contact information, and a detailed summary of events. Once completed, the Complaint Form should be submitted to the Director of Student Services who will direct an investigation of the grievance as appropriate.

Accrediting Commission of Career Schools and Colleges of Technology Complaint Information

Schools accredited by the Accrediting Commission of Career Schools and Colleges of Technology must have a procedure and operational plan for handling student complaints. If a student does not feel that the school has adequately addressed a complaint or concern, the student may consider contacting the Accrediting Commission. All complaints considered by the Commission must be in written form, with permission from

the complainant(s) for the Commission to forward a copy of the complaint to the school for response. The complainant(s) will be kept informed as to the status of the complaint as well as its final resolution by the Commission. Please direct all inquiries to:

**Accrediting Commission of Career Schools and
Colleges of Technology
2010 Wilson Blvd. / Suite 302
Arlington, VA 22201
(703) 247-4212**

A copy of the Commission's Complaint Form is available at the school and may be obtained by contacting the Director of Student Services.

Bureau for Private Postsecondary and Vocational Education Complaint Information

If you are a past or present student of Ex'pression and you believe that the school or anyone representing the school has acted unlawfully, you have the right to file a complaint with the California Bureau for Private Postsecondary and Vocational Education 1625 North Market Blvd., Suite S202, Sacramento, CA 95814

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The Family Educational Rights and Privacy Act (FERPA) gives students certain rights with respect to their education records. These rights include:

(1) The right to inspect and review the student's education records within 45 days of the day the Ex'pression receives a request for access.

A student should submit to the registrar, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The Ex'pression official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the Ex'pression official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

(2) The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask Ex'pression to amend a record should write to the Ex'pression official responsible for the record, clearly identifying the part of the record the student wants changed and specifying why it should be changed.

If Ex'pression decides not to amend the record as requested, Ex'pression will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when he/she is notified of the right to a hearing.

